

Donna J. McCready  
Ashburn & Mason, P.C.  
1227 West 9<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501  
(907) 276-4331 / phone  
(907) 277-8235 / fax

Attorney for Kimberly Allen

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal Representative)  
of the ESTATE OF TODD ALLEN, )  
Individually, on Behalf of the ESTATE OF )  
TODD ALLEN, and on Behalf of the Minor )  
Child PRESLEY GRACE ALLEN, )

Case No.: 3:04-CV-0131-JKS

Plaintiffs, )  
)  
)

vs. )  
)  
)

UNITED STATES OF AMERICA, )  
)  
)

Defendants. )  
)  
)

**MOTION FOR RULING  
REGARDING PROOF OF CAUSATION**

Kimberly Allen, by and through counsel Ashburn & Mason, P.C., hereby moves this Court for a ruling on the appropriate standard for her burden of proof regarding causation given that the defendant's negligence in this case has made it more difficult for her to prove causation conclusively. Specifically, Ms. Allen moves this court to shift the burden of proof on causation to the United States upon her proving that the

United States was negligent and that the defendant's negligence has made it difficult for her to demonstrate causation conclusively. Alternatively, the plaintiff moves this Court for a ruling preventing the defendant from relying on the lack of information resulting from its negligence to defend against liability in this case.

This motion is supported by the memorandum and attachments thereto filed simultaneously herewith.

ASHBURN & MASON, P.C.  
Attorneys for Plaintiff

DATED: 10/31/06

/s/ Donna J. McCready  
1227 West Ninth Avenue, Suite 200  
Anchorage, Alaska 99501  
Phone: (907) 276-4331  
Fax: (907) 277-8235  
E-mail: [djm@anchorlaw.com](mailto:djm@anchorlaw.com)  
Alaska Bar No. 9101003

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> day of October, 2006, a copy of the foregoing Motion for Ruling Regarding Proof of Causation was served electronically on:

Gary Guarino

/s/ Donna J. McCready

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ASHBURN & MASON P.C.  
LAWYERS  
1227 WEST 9TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
TEL 907.276.4331 • FAX 907.277.8235